

**OPINION
50-160**

April 6, 1950 (OPINION)

PLUMBING

RE: License

I am in receipt of your letter of April 6, 1950, in which you enclose a writ of mandamus issued out of the court of Judge George Thom, Jr., Fourth Judicial District. The writ commands the issuance of a master plumber's license to one Robert Cook of Minot, North Dakota.

You then ask our opinion as to the course you should follow as regards said writ.

It is the opinion of this office that there is no legal defense by which you can avoid the command contained in said writ, and that you should immediately issue a master plumber's license to Robert Cook of Minot, North Dakota.

The reasons for the above opinion are as follows:

1. At the time Mr. Cook took the examination for a master plumber's license there had been no rules or regulations promulgated by the State Plumbing Board prescribing the manner in which the board could pass upon an applicant's right to take the examination.
2. The Board accepted Mr. Cook's application fee and Mr. Cook was permitted to take the examination.
3. Mr. Cook passed the examination with a grade of 83. At that time, in view of the fact that the Board had not promulgated rules and regulations for taking the examination, the Code required as a condition precedent to receiving a license only that the applicant pass the examination prepared by the Board.
4. Mr. Cook at the time of the examination had in excess of four years practical experience as a plumber in the shop of a licensed master plumber.

WALLACE E. WARNER

Attorney General